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Committee on the Exercise of the Inalienable Rights of the Palestinian People

Summary record of the 348th meeting
Held at Headquarters, New York, on Tuesday, 5 February 2013, at 11.30 a.m.

Temporary Chair: Mr. Ban Ki-Moon ..... (Secretary-General)
Chair: Mr. Diallo ..... (Senegal)

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The meeting was called to order at 11.45 a.m.

Adoption of the agenda (A/AC.183/2013/L.1)

1. *The agenda was adopted.*

Election of officers

2. **The Temporary Chair** invited the Committee to consider nominations for the posts of Chair, Vice-Chairs and Rapporteur of the Committee.

3. **Mr. Kommasith** (Lao People's Democratic Republic) nominated Mr. Diallo (Senegal) for re-election to the office of Chair, Mr. Tanin (Afghanistan) and Mr. Reyes Rodríguez (Cuba) for re-election and election, respectively, as the two Vice-Chairs, and Mr. Grima (Malta) for re-election to the office of Rapporteur.

4. **Ms. Rafti** (Cyprus) seconded the nominations.

5. *Mr. Diallo (Senegal), Mr. Tanin (Afghanistan), Mr. Reyes Rodríguez (Cuba) and Mr. Grima (Malta) were elected by acclamation.*

6. *Mr. Diallo (Senegal) took the Chair.*

Statement by the Secretary-General

7. **The Secretary-General**, reiterating his commitment to promote peace efforts aimed at achieving the legitimate aspirations of both the Israeli and Palestinian peoples, said that the General Assembly's decision to accord Palestine the status of non-member observer State had resonated deeply within the United Nations and underscored the urgency of achieving the two-State solution. There was no substitute for negotiations aimed at ending the conflict and occupation and achieving the goal of two States — Israel and Palestine — living side by side in peace and security and recognizing each other's legitimate rights, including the right of self-determination. Each State must uphold its commitments to ensure equal civil rights for all citizens and respect human rights and dignity. Jerusalem must emerge, through negotiations, as the future capital of two States. There should be an agreed, just, fair and realistic solution to the refugee issue. The international community was ready to renew its collective engagement towards those goals, but that engagement would be meaningless without the serious commitment of the parties to advance the peace process.

8. While he looked forward to working with the recently elected Israeli Government in the pursuit of peace, he was dismayed by the dramatic increase in Israeli settlement activity and the announcement of plans for new construction in the E1 area. He urged the Government to heed international calls to rescind those plans. Settlement activity was a major obstacle to the two-State solution and must cease immediately; all settlements in the West Bank, including East Jerusalem, were illegal under international law and could not prejudge the outcome of final status negotiations.

9. Achieving the two-State solution required the economic and financial viability of the Palestinian Government. The full, timely and predictable transfer of Palestinian tax and customs revenues by Israel in accordance with the Paris Protocol was essential. He therefore welcomed the recent decision of the Israeli Government to transfer revenues that had been withheld in December 2012. Acknowledging the contributions of the European Union and Arab partners, he reiterated his call for donor countries to continue to fulfil their pledges and increase their financial support.

10. Preserving stability in Gaza and making a significant difference in the lives of its civilian population continued to be a top priority. In that connection, he once again called for the reopening of borders, in line with Security Council resolution 1860 (2009). The recent decision by Israel to allow limited amounts of construction material into Gaza, coupled with the extension of fishing access to six nautical miles, had illustrated its commitment to sustaining the fragile ceasefire agreement. While more work was needed to improve the situation in Gaza and address Israel's legitimate security concerns, including by thwarting militant attacks from Gaza and the trafficking of weapons, the ceasefire was an opportunity to address the factors that contributed to instability outlined in resolution 1860 (2009) and to implement that resolution in full.

11. Palestinian reconciliation within the framework of the commitments undertaken by the Palestine Liberation Organization was an essential step to realizing the two-State solution and achieving durable peace. Pursuing peace and achieving reconciliation were not incompatible; efforts must be made on both fronts. In that connection, he expressed his appreciation for the facilitation efforts that had been made by the Egyptian Government. However, in order

for real progress to be made, Hamas must clarify where it stood on the central issues.

12. The status quo between the Israelis and Palestinians was unsustainable and unacceptable. Both parties must live up to their commitment to achieve the two-State solution, in accordance with Security Council resolutions 242 (1967) and 338 (1973), and resolve the core issues of territory, security, Jerusalem, refugees, settlements and water.

13. The international community could not afford to let another year pass without making tangible progress towards enabling the Palestinian people to exercise its inalienable rights. For his part, he would continue to do his utmost to achieve that goal, to which the Committee, through its activities, could make a unique contribution.

Statement by the Chair

14. **The Chair**, speaking in his capacity as the representative of Senegal, said that the adoption by the General Assembly of resolutio 67/19 was a milestone in the building of and gaining recognition for a free and independent State of Palestine. Similarly, the admission of Palestine to the United Nations Educational, Scientific and Cultural Organization reflected the ever-strengthening international consensus on the need to recognize and respect the rights of the Palestinian people and to revive the peace process. However, in order to achieve peace, all stakeholders must make the necessary effort.

15. He therefore once again urged Israel to end settlement activity, which ultimately jeopardized all chances of achieving the two-State solution. The Israeli Government should pursue a negotiated political solution and refrain from taking any unilateral measures that would cause an escalation of violence. Noting that the Quartet continued to have primary responsibility for resolving the Israeli-Palestinian crisis, he urged it to get back to work and breathe new life into the peace process.

16. For its part, the Committee remained determined to raise awareness of the Palestinian cause at the international level and make a significant contribution towards a peaceful and lasting solution to the crisis. In that connection, he recalled that the international community had a moral obligation to fulfil its historical responsibility with regard to the question of Palestine.

Statement by the Observer for the State of Palestine

17. **Ms. Abdelhady-Nasser** (Observer for the State of Palestine) said that her delegation was grateful for the Secretary-General's commitment to the question of Palestine and his consistent calls for a halt to Israeli violations. It also appreciated the vital assistance that United Nations agencies provided to the Palestinian people, including the Palestine refugees. The momentous decision by the General Assembly to accord Palestine non-member observer State status reflected the strong global support for the inalienable rights and legitimate national aspirations of the Palestinian people and was a long-overdue recognition of Palestine's statehood. She hoped that the peaceful, multilateral political effort to save the two-State solution would mark a turning point in the quest to secure Palestine's rightful place among the community of nations and bring about peace and security.

18. The Secretary-General must continue using his good offices to assist the Palestinian leadership in its efforts to salvage the two-State solution, overcome the obstacles to peace and promote a credible political horizon and substantive negotiations based on the relevant United Nations resolutions, the Madrid principles, the Arab Peace Initiative and the Quartet road map.

19. The Secretary-General could indeed make a difference in the immediate crises facing the Palestinian people, such as the destructive, illegal Israeli settlement campaign in the Occupied Palestinian Territory, including East Jerusalem. Israeli settlement activity was leading to the confiscation of more land, further displacing Palestinian civilians and undermining the contiguity and integrity of the State of Palestine. It was also jeopardizing the two-State solution and must be brought to an end.

20. The plight of Palestinian prisoners in Israeli jails, a matter that her delegation had brought to the international community's attention repeatedly, must also be given priority. In that connection, the most immediate concern was the critical situation of several prisoners who were on a hunger strike, one of whom was close to death. Her delegation also wished to highlight that Palestinian civilians, including children, and elected officials were being arrested on an almost daily basis. Another matter of grave concern was the ongoing Israeli blockade of the Gaza Strip and the

resulting humanitarian crisis. It was imperative to bring the inhumane situation in Gaza to an end.

21. Another crisis that must be addressed was the situation of the Palestine refugees in the Syrian Arab Republic, whose safety and well-being was being threatened by the unrest in that country. The United Nations Relief and Works Agency for Palestine Refugees in the Near East was to be commended for continuing to provide emergency aid, despite its dire financial situation, and Palestine was grateful to all Member States that supported the Agency's important work.

22. The Palestinian people was at a critical juncture and needed the support of the international community to ensure that a meaningful political process was in place that would bring an end to the Israeli occupation and lead to the realization of the rights of the Palestinian people, the independence of the State of Palestine and a just resolution to the plight of the Palestine refugees.

Draft programme of work of the Committee (A/AC.183/2013/CRP.1)

23. **The Chair**, introducing the Committee's draft programme of work for 2013 (A/AC.183/2013/CRP.1), said that section I summarized the relevant resolutions adopted by the General Assembly at its sixty-seventh session, while section II briefly reviewed developments since the submission of the Committee's report, including the November 2012 crisis in Gaza and the adoption by the General Assembly of resolution 67/19, and conveyed its views on Israeli punitive measures and the situation of Palestinians under occupation and siege, as well as its call for international pressure to resume negotiations. Section III outlined the priority issues for 2013, including an action-oriented, thorough analysis of all of the implications of resolution 67/19. Section IV described the planned activities of the Committee and the Division for Palestinian Rights.

24. The decision to accord Palestine the status of non-member observer State would have a profound effect on the Committee's work in 2013. The Committee would begin examining some of the consequences of that decision at the forthcoming United Nations Seminar on Assistance to the Palestinian People, to be held in Rome on 27 and 28 February 2013, with a view to benefiting from any opportunities that might arise. In that connection, the Bureau believed that it might be beneficial to expand its membership. He therefore suggested that, after consultations with all Committee members, three additional States, one from Africa, one from Asia and one from Latin America and the Caribbean, should be elected as members-at-large of the Bureau.

25. **Mr. Çevik** (Turkey), recalling the historic decision by the General Assembly to accord Palestine the status of non-member observer State, said that the extensive support of Committee members for General Assembly resolution 67/19 should be noted in the draft programme of work. His delegation therefore proposed that the following phrase should be inserted after the second sentence of paragraph 9: "The members of the Committee gave an overwhelming backing to the resolution and displayed solidarity with Palestine. Two members of the Committee, who participated at Foreign Minister level and addressed the General Assembly prior to the voting, gave strong support to the resolution, and thus to the inalienable right of the State of Palestine for wider international recognition".

26. The peace process must be restarted as soon as possible. His delegation believed that 2013 would be a crucial year for the two-State solution and hoped that both reconciliation talks among the Palestinian factions and the recent elections in Israel would help bring about that goal. The Turkish Government would continue to promote the realization of the inalienable rights of the Palestinian people, including the admission of the State of Palestine as a member of the United Nations.

27. **Mr. Abdullah** (Malaysia) said that his delegation supported the amendment that had been proposed by the representative of Turkey. At the 328th meeting of the Committee, his delegation had raised the question of whether the international meetings on the question of Palestine could lead to specific outcomes, such as recommendations that could be taken to the International Court of Justice. He believed that the Committee should now reconsider that question, particularly given that Israel continued to violate international law with impunity. The Committee should also consider how it could align its efforts with the current political realities and increase its interaction with other United Nations bodies and specialized agencies.

28. **Mr. Khan** (Indonesia) said that his delegation also supported the proposed amendment. Recalling that

the situation in the Occupied Palestinian Territory had grown increasingly volatile as a result of Israel's continued settlement activity, he noted that his Government had condemned, on numerous occasions, all actions and policies that impeded peaceful negotiations. Addressing the General Assembly prior to the adoption of its resolution 67/19, his country's Minister for Foreign Affairs had said that by according observer status to the State of Palestine, the international community was emphasizing the primacy of diplomacy and rejecting violence. Indonesia firmly supported a peace process based on the two-State solution and the future admission of Palestine as a member of the United Nations.

29. **Mr. Govender** (South Africa) said that his delegation, too, supported the proposed amendment. He suggested that the Bureau might also wish to include in the programme of work an examination of the ongoing Israeli settlement activity, the blockade of Gaza and the withholding by Israel of Palestinian tax revenues, as those issues were further heightening tensions in the region.

30. **Mr. Khalil** (Observer for Egypt), referring to the draft programme of work, said that, in paragraph 18, greater emphasis should be placed on the need for the High Contracting Parties to the Fourth Geneva Convention to convene a conference to determine practical collective measures needed to enforce the Convention in the Occupied Palestinian Territory. Such a conference was now all the more necessary in view of Palestine's new status at the United Nations. Furthermore, given its relevance to the Committee's mission and mandate, due prominence should be given to the reference in paragraph 28 to the Committee's efforts to document the losses resulting from occupation, so that Israel, the occupying Power, could be held liable under international law. The same was true with respect to the reference in paragraph 37 to the Committee's efforts to draw attention to the legal obligations of third parties not to contribute to breaches of international law and to hold Israel accountable. The draft programme of work should also highlight the Division's daily briefing on developments in Palestine; the briefing was a useful tool for Member States and should be continued and developed.

31. Another development worthy of additional emphasis was the official announcement by Israel that it would suspend cooperation with the Human Rights Council. In addition, Israel's decision not to participate in the January 2013 session of the Universal Periodic Review Working Group, and the Human Rights Council's weak response to that decision, meant that pressure must be placed on both Israel and the Human Rights Council to ensure that State's compliance with its obligations. The Committee should also follow up on the report of the international fact-finding commission on Israeli settlements in the Occupied Palestinian Territory (A/HRC/22/63).

32. Concerning claims that the peace process had failed because Palestine had refused to resume negotiations without preconditions, he said it should be made clear that ending settlement construction was not a precondition, but rather the least that Israel could do to meet its international commitments. The international community, which had already made clear that Israeli settlements were a flagrant breach of international law, should take all necessary measures to ensure that Israel fulfilled its obligations. Lastly, the reference in paragraph 40 to "the Organization of the Islamic Conference" should instead read "the Organization of Islamic Cooperation".

33. **Ms. Abdelhady-Nasser** (Observer for the State of Palestine) said that her delegation supported the amendment that had been proposed by the representative of Turkey, as well as the proposals that had been made by the representatives of South Africa and Egypt.

34. **The Chair** said that the issues that had been raised by the representatives of South Africa and Egypt would be incorporated into the draft programme of work. The Committee frequently stressed to both Member States and its partners the need to convene a meeting of the High Contracting Parties to the Fourth Geneva Convention, with a view to determining practical collective measures needed to enforce the Convention in the Occupied Palestinian Territory. There was still hope that, with increased international pressure and the changes that had been brought about by the adoption of resolution 67/19, the High Contracting Parties could be persuaded to meet.

35. The Committee might also wish to raise with the High Commissioner for Human Rights the question of Israel's disturbing refusal to cooperate with the Human Rights Council. The international community must continue to urge Israel to comply, like all other Member States, with its reporting obligations in connection with the universal periodic review.

36. *The draft programme of work, as amended, was adopted, subject to agreed redrafting.*

United Nations Seminar on Assistance to the Palestinian People, to be held in Rome on 27 and 28 February 2013 (Working Paper No. 1)

37. **The Chair** drew attention to Working Paper No. 1, which contained the provisional programme of the United Nations Seminar on Assistance to the Palestinian People, to be held at the Headquarters of the Food and Agriculture Organization in Rome on 27 and 28 February 2013. The suggested theme was "Assistance to the Palestinians — challenges and opportunities in the new reality of a State under occupation".

38. The Seminar would review the impact of Israeli occupation and practices on the socioeconomic and humanitarian situation in the West Bank, including East Jerusalem, and the Gaza Strip. It would also examine the financial and developmental challenges and opportunities arising from the according of non-member observer status to the State of Palestine and would address the role of the international donor community in mobilizing and coordinating assistance in light of the recent political developments. Invitations would be sent to internationally renowned experts on the issue, United Nations Member States and observers, parliamentarians and representatives of United Nations system and other intergovernmental organizations, civil society and the media.

39. He took it that the Committee wished to approve the provisional programme.

40. *It was so decided.*

Other matters

41. **Mr. Lasso Mendoza** (Ecuador) said that his Government would welcome the opportunity to host, in 2014, the United Nations Latin American and Caribbean Meeting in Support of Israeli-Palestinian Peace.

42. **Mr. Al-Yafei** (Observer for the United Arab Emirates) asked whether the website of the United Nations Information System on the Question of Palestine (UNISPAL) could include information on investigations conducted by civil society and non-governmental organizations into Israeli practices and their effect on the humanitarian situation in the Palestinian territories.

43. **The Chair** said that the Bureau would be happy to accept the generous offer of the Ecuadorean Government.

44. Owing to the severe budget cuts that were being made by the Organization, he was unable to provide an immediate answer to the request of the representative of the United Arab Emirates. However, the Bureau would explore with the Secretariat whether it would be possible to post such information on the UNISPAL website.

The meeting rose at 1.05 p.m.